

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAMETRE MACON,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

CASE NO. C12-260 RAJ

ORDER

This matter comes before the court on an expedited Local Civil Rule 37 motion. Dkt. # 69; Local Rules W.D. Wash. CR (“LCR”) 37. Plaintiff moves the court for an order compelling the deposition of UPS employee Angelina Brewer in Houston Texas.

Beginning in late January 2013, plaintiff requested that defendant make Ms. Brewer available for deposition. At that time, trial was scheduled for June 3, 2013, the discovery deadline was set for February 4, 2013, and the dispositive motions deadline was March 5, 2013. On February 4, 2013, as part of a stipulated motion, the court granted a limited extension of the discovery deadline, including taking Ms. Brewer’s deposition before March 1, 2013, if requested by plaintiff by February 8, 2013. On February 4, 2013, plaintiff requested February 9 through February 12, 2013. Defendant advised plaintiff that Ms. Brewer was not available on those dates and offered February

1 14 and 21, 2013. Counsel for plaintiff was not available on those dates, so on February
2 14, plaintiff cancelled the deposition. On March 10, 2013, the court ruled on various
3 discovery motions, and specifically ordered that all outstanding fact discovery be
4 completed by March 29, 2013, motions to compel be filed by April 18, and dispositive
5 motions be filed by June 27. Dkt. # 60 at 10. On March 15, counsel for plaintiff
6 requested the deposition of two UPS employees, and now represents that he only requires
7 Ms. Brewer's deposition. The parties filed the joint, expedited motion pursuant to LCR
8 37 on April 4, 2013.

9 Given UPS's prior agreement to make Ms. Brewer available, and the fact that the
10 deposition did not proceed because of an inability to find a mutually agreeable time
11 before the deadline provided by the parties and the then-impending dispositive motions
12 deadline, the court finds good cause to allow plaintiff to take Ms. Brewer's deposition as
13 previously agreed. UPS shall make her available no later than May 10, 2013 at a
14 mutually agreeable time and date.

15 For all of the foregoing reasons, the court GRANTS plaintiff's motion to compel
16 the deposition of Ms. Brewer. UPS is ORDERED to make Ms. Brewer available for
17 deposition in Houston, Texas no later than May 10, 2013.

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19 Dated this 9th day of April, 2013.
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23 The Honorable Richard A. Jones
24 United States District Judge
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